

**REMARKS**

Reconsideration of the present application, as amended, is respectfully requested

**I. STATUS OF THE CLAIMS**

Claims 1, 2, 4-8, 12, 13, 15-19, 21-23, 25 and 26 are pending in this application. Claims 1, 12, 19 and 23 have been amended herewith to further clarify that the Ni-based metal layer comprised of the nickel alloy for silicide is a nickel alloy layer including 0 to about 20 % of one of Ta, Zr, Ti, Hf, W, Co, Pt, Pd, V, Nb, or any combination thereof. Claims 4, 15, 21 and 25 have been canceled herewith without prejudice.

Support for the above amendments may be found throughout the specification as originally filed. No new matter has been added by virtue of this amendment.

**II. Claim Rejections under 35 U.S.C. §103**

**(i) Claims 1, 4-6, 12 and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,196,360 to Doan et al (hereinafter Doan) in combination with U.S. Patent No. 5,766,997 to Takeuchi (hereinafter Takeuchi).**

**(ii) Claims 2, 7-8, 13, 18-19, 21-23 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Doan with Takeuchi as applied to claims 1, 3-5, 12, and 14-16 above, and further in view of U.S. Patent No. 6,503,840B2 to Catabay et al (hereinafter Catabay), U.S. Patent No. 6,664,166 B1 to Jaiswal et al (hereinafter Jaiswal) and U.S. Patent No. 6,775,046 B2 to Hill et al (hereinafter Hill).**

In response, it is respectfully asserted that the Doan, Takeuchi, Catabay, Jaiswal and Hill references each fail to teach or suggest all of the features recited in independent method claims 1, 12, 19 and 23 of the presently claimed invention.

In particular, Doan and Takeuchi at the very least fail to expressly disclose a Ni-based metal layer comprised of nickel alloy for silicide. For instance, Takeuchi discloses a silicide forming metal comprised of nickel in column 7, lines 30-37. However, as is well known in the

field of metallurgy, the nickel alloy recited in claims 1, 12, 19 and 23 of the presently claimed invention is quite different from the pure nickel described in Takeuchi. Furthermore, when nickel silicide is formed using the Ni-based metal layer comprised of nickel alloy as recited in claims 1, 12, 19 and 23 of the presently claimed invention, the thermal stability of the nickel silicide formed is thereby also increased. Moreover, the Catabay, Jaiswal and Hill references each fail to cure the above deficiency of Doan and Takeuchi because the Catabay, Jaiswal and Hill references also at the very least fail to teach or suggest a Ni-based metal layer comprised of nickel alloy for silicide, as recited in claims 1, 12, 19 and 23 of the presently claimed invention.

For the reasons set forth above, withdrawal of the rejections to claims 1, 12, 19 and 23 is respectfully requested. As claims 2, 5, 6-8 depend from and incorporate all of the limitations of claim 1, claims 13 and 16-18 depend from and incorporate all of the limitations of claim 12, claim 22 depends from and incorporate all of the limitations of claim 19, and claim 26 depends from and incorporate all of the limitations of claim 23, withdrawal of the rejections to these dependent claims is likewise respectfully requested.

### **III. CONCLUSION**

For the foregoing reasons, applicants respectfully submit that the instant application is in condition for allowance. Early notice to that end is earnestly solicited.

If a telephone conference would be of assistance in furthering prosecution of the subject application, applicants request that the undersigned be contacted at the number below.

Respectfully submitted,



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